

Appl. No. : 10/644,277
Filed : August 19, 2003

REMARKS

In response to the Final Office Action mailed August 14, 2006 Applicants submit the following amendments and remarks. Claims 1, 2, and 41-53 are pending in the instant application. Applicants acknowledge, with thanks, the allowance of Claims 1, 2, 41, 44, and 51. Claims 49, 50, and 52 have been cancelled by way of this amendment without prejudice to further prosecution in a continuation application. Claims 1, 41, 44-47, and 51 have been amended. In particular, Claims 1, 41, and 51 have been amended to clarify that the claimed antibody is an isolated antibody. Claims 44-47 have been amended to correct minor typographical errors. New dependent claims 54-82 have been added and are presented for examination. Support for the amendments can be found throughout the specification, the Examples, and in the original claims as filed. Support for new Claims 54-82 can be found throughout the specification and claims as originally filed. For example, support for the new claims can be found at paragraphs [0026], [0085], [0111] and [0150] through [0154] of the specification. No new matter has been added by way of this amendment. Claims 1, 2, 41-48, 51, and 53-82 are presented for further examination.

Request for Rejoinder

Applicants respectfully reiterate their request for rejoinder of the claims which have been previously withdrawn in accordance with the provisions of M.P.E.P. § 821.04. Claim 1, drawn to a novel product, has been found by the PTO to be in condition for allowance. Withdrawn process Claims 42-43 and 45-48, which are drawn to a process of using the claimed product, were previously amended to include all of the limitations of Claim 1. Claim 53, drawn to a method for manufacturing the antibody of Claim 1, includes all of the limitations of allowed Claim 1 and should likewise be rejoined.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner has rejected Claims 49, 50 and 51 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification as such as way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While Applicants maintain that a deposit should not be required in order to satisfy the requirements of 35 U.S.C. § 112, first paragraph, Claims 49, 50, and 51 have been cancelled in order to advance prosecution, thereby obviating the rejection.

Appl. No. : 10/644,277
Filed : August 19, 2003

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action have been addressed and that the application is in condition for allowance. Accordingly, Applicants request the expeditious allowance of the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 8, 2006

By: Mallory K. de Merlier

Mallory K. de Merlier
Registration No. 51,609
Attorney of Record
Customer No. 20,995
(619) 235-8550

3097076/bab/110806